



Patent
Atty. Dkt. No. 042049-0105

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: André Jestin et al.

Title: CIRCOVIRUS SEQUENCES ASSOCIATED WITH PIGLET
WEIGHT LOSS DISEASE (PWD)

Appl. No.: 10/718,264

Filing Date: 11/21/2003

Examiner: Ali Reza Salimi

Art Unit: 1648

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper responds to the restriction requirement dated August 24, 2004 and is timely filed with a two-month petition for an extension of time and the fee of \$430.

The Examiner required restriction under 35 U.S.C. § 121 among Groups I-IV:

- I. Claims 1-2, drawn to a vaccine comprising a nucleotide sequence of porcine circovirus type B, classified in class 424, subclass 204.1. If this group is selected, further select one sequence, identified by a specific sequence identification number, to be examined on the merits.
- II. Claims 3-12 and 16, drawn to polypeptide vaccine against porcine circovirus type B, classified in class 530, subclass 300. If this group is selected, further select one sequence, identified by a specific sequence identification number, to be examined on the merits.

III. Claims 13 and 14, drawn to DNA vaccine against circovirus type B, classified in class 424, subclass 199.1. If this group is selected, further select one sequence, identified by a specific sequence identification number, to be examined on the merits.

IV. Claim 15, drawn to composition of transformed cell with porcine circovirus type B, classified in class 435, subclass 325. If this group is selected, further select one sequence, identified by a specific sequence identification number, to be examined on the merits.

Applicants provisionally elect to prosecute Group I, claims 1-2, and **the elected sequence is SEQ ID NO. 15**. Each election is made with traverse. It is respectfully submitted that the evidence and explanation fail to establish a serious burden, which is required to maintain a restriction requirement. Furthermore, the scope of examined subject matter should be expanded once the elected species is deemed patentable.

Please contact the undersigned attorney if any matters may be resolved by a telephone conference.

Respectfully submitted,

Date 11-23-2004

FOLEY & LARDNER LLP
Customer Number: 23533
Telephone: (202) 672-5569
Facsimile: (202) 672-5399

By Sean A. Passino (45943)
SEAN A. PASSINO FOR
Stephen B. Maebius
Attorney for Applicants
Registration No. 35,264

Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge Deposit Account No. 19-0741 for any such fees; and applicant(s) hereby petition for any needed extension of time.